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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,711	12/02/2003	Mark Weedmark	ALC 3101	2221
7590 KRAMER & AMADO, P.C. 1725 Duke Street, Suite 240 Alexandria, VA 22314			EXAMINER MURRAY, DANIEL C	
			ART UNIT	PAPER NUMBER
			2112	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/27/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/724,711

**Applicant(s)**

WEEDMARK ET AL.

**Examiner**

Daniel Murray

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02DEC2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02DEC2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02DEC2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statements submitted on 02DEC2003 have been considered by the Examiner and made of record in the application.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "12" and "14" (figure 2A) have both been used to designate Call Reference.
3. The drawings are objected to because Message Length in figure 1 lacks reference character.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "39" and "40" (figure 2B and figure 3) have both been used to designate Vendor specific.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "40" (figure 2B and figure 3) has been used to designate both Vendor specific and Originating VPI/VCI.
6. The drawings are objected to because reference character "20" does not appear in figure 3.
7. The drawings are objected to because "Crankback." is misspelled in figures 2B and 3
8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

9. The disclosure is objected to because of the following informalities:

- a) Paragraph [002] line 6, consider changing “when” to --where-- to improve clarity.
- b) Reference to a nonexistent figure (figure 1A) in paragraph [0017] line 1.

Appropriate correction is required.

10. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Objections*

11. **Claims 1, 6, and 7** objected to because of the following informalities:

- a) On **lines 4 and 5 of claim 1** change “m” to --r-- in “mequest”
- b) On **line 9 of claim 1** delete extra “.” after “identification data”.
- c) On **line 2 of claim 6** insert --active-- before “connection” to provide proper antecedent

basis for “connection”.

d) On **line 1 of claim 7** “failure to modify” lacks proper antecedent basis. (For the purposes of examination “failure to modify” is interpreted as --a failure to modify said parameter--.)

e) On **line 2 of claim 7** insert --active-- before “connection” to provide proper antecedent basis for “connection”.

- f) On **line 2 of claim 7** consider changing “modify” to --modification-- before “of an”.

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***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-7 rejected under 35 U.S.C. 102(e) as being anticipated by Karia et al. (US Patent**

**Number: US 6,643,267 B1)**

a) Consider **claim 1**, Karia et al. clearly show and disclose an active connection modify in a connection oriented communication network (inherently taught by the use of ATM networks which by definition incorporate the ability to do an active connection modify and are by nature connection oriented. see columns 1, column 2, figure 1, figure 2), comprising the steps of: appending a trace transit list information element (TTL IE) to a Modify Request message (figure 2, figure 3, column 2 lines 7-9)), transmitting said Modify Request message from a source node to a destination node along said active connection (column 1 lines 27 – 30, column 2 lines 22-23 lines 29-31), and at each node along said active connection, modifying a parameter of said active connection (inherently taught by the use of ATM networks which by definition incorporate the reservation of resources in conjunction with a Modify Request message ) while recording in said TTL IE failure identification data(inherently taught in column 2 lines 34-41, column 3 lines 42-43).

b) Consider **claim 2** and as **applied to claim 1 above**, generating a Modify Reject message at a node along said connection if said node does not enable modification of said parameter (inherently taught by the use of ATM networks which by definition generates a Modify reject

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message when a node does not enable modification or when there are insufficient resources accommodate the modification request), updating said TTL IE from said Modify Request message with failure cause information (column 3 lines 41-44, inherently taught by use of ATM network which by definition incorporates Modify reject message that includes the cause of the failure), and appending said TTL IE to said Modify Reject message and returning said Modify Reject message to said source node (Inherently taught by Karia et al. which returns failure information for failed paths via the acknowledge message).

c) Consider **claim 3** and as **applied to claim 1 above**, wherein said failure identification data (inherently taught in column 2 lines 34-41 “not including the failed paths” implies that failed path can be recorded in the TTL IE, column 3 lines 42-43) includes the logical node and logical port trace of the failed Modify Request (figure 3, figure 5, column 3 lines 16-17, column 6 lines 13-48).

d) Consider **claim 4** and as **applied to claim 1 above**, wherein said failure identification data (inherently taught in column 2 lines 34-41 “not including the failed paths” implies that failed path can be recorded in the TTL IE, column 3 lines 42-43) includes failure cause information (column 3 lines 41-44).

e) Consider **claim 5** and as **applied to claim 4 above**, wherein said failure cause information (column 3 lines 42-43) includes vendor specific information (abstract, figure 3, figure 4, column 4 lines 3-4 lines 12-16 lines 61-66).

f) Consider **claim 6** and as **applied to claim 1 above**, wherein said parameter is the bandwidth allocated to said connection (inherently taught by the use of ATM networks which by definition incorporate the ability to modify traffic parameters).

g) Consider **claim 7** and as **applied to claim 1 above**, wherein said failure to modify includes the capability of a node along said connection to support the modify of an active

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connection of said parameter (inherently taught by use of ATM networks which by definition return a Modify Reject message with failure cause information if the node enables modification of traffic parameters).

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the IDS references for support of each of the inherency statements made by the Examiner where in:

a) ATM supports active connection modify in a connection oriented network (ITU-T Q2963.1 section 1 paragraph 1 line 5 paragraph 3 paragraph 4 lines 1-2 and as admitted by Applicant. (paragraph [0002] lines 1-3, paragraph [0003]))

b) Resources are reserved in conjunction with a Modify Request message (ITU-T Q2963.1 section 9.1.1 lines 3 and 5 and as admitted by Applicant. (paragraph [0004] lines 1-7, paragraph [0005] lines 16-22))

c) A Modify Reject message sent when modification is not supported or resources are not available to support the modification and as admitted by Applicant. (ITU-T section 9.1.4 lines 2-5 and as admitted by Applicant. (paragraph [0005] lines 1-16))

d) A Modify Reject message includes cause of failure (ITU-T Q.2963.1 section 8.1.3 table 8-3/Q.2963.1)

e) ATM supports the modification of traffic parameters (ITU-T Q.2963.1 section 3.2 section 9.1.1 section 9.1.2 section 9.1.3 and as admitted by Applicant. (paragraph [0002] lines 3-11 and paragraph [0003]))

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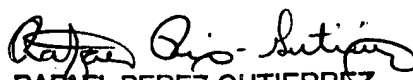
f) A Modify Reject message contains the cause of failure if a node enables modification of traffic parameters (ITU-T Q.2963.1 table 8-3/Q.2963.1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Murray whose telephone number is (571)-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571)-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCM 

  
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SUPERVISORY PATENT EXAMINER  
12/20/06